

House File 2347 - Introduced

HOUSE FILE _____
BY GASKILL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act modifying certain filing, request, and notification
2 deadline times for elections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6192HH 82
5 sc/nh/24

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1 1 Section 1. Section 43.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. For an elective county office, in the office of the
1 4 county commissioner not earlier than ninety-two days nor later
1 5 than ~~five o'clock p.m.~~ the regular close of business on the
1 6 sixty-ninth day before the day fixed for holding the primary
1 7 election.
1 8 Sec. 2. Section 43.23, subsection 2, Code 2007, is amended
1 9 to read as follows:
1 10 2. If a person who has filed nomination papers with the
1 11 commissioner as a candidate in a primary election dies or
1 12 withdraws up to the sixty-seventh day before the primary
1 13 election, the appropriate convention or central committee of
1 14 that person's political party may designate one additional
1 15 primary election candidate for the nomination that person was
1 16 seeking, if the designation is submitted to the commissioner
1 17 in writing by ~~five o'clock p.m.~~ the regular close of business
1 18 on the sixty-third day before the primary election. The name
1 19 of any candidate so submitted shall be placed on the
1 20 appropriate ballot or ballots by the commissioner.
1 21 Sec. 3. Section 43.54, Code 2007, is amended to read as
1 22 follows:
1 23 43.54 RIGHT TO PLACE ON BALLOT.
1 24 Each candidate nominated pursuant to section 43.53 is
1 25 entitled to have the candidate's name printed on the official
1 26 ballot to be voted for at the general election if the
1 27 candidate files an affidavit in the form required by section
1 28 43.67 not later than ~~five o'clock p.m.~~ the regular close of
1 29 business on the seventh day following the completion of the
1 30 canvass.
1 31 Sec. 4. Section 43.67, unnumbered paragraph 1, Code 2007,
1 32 is amended to read as follows:
1 33 Each candidate nominated pursuant to section 43.52 or 43.65
1 34 is entitled to have the candidate's name printed on the
1 35 official ballot to be voted at the general election without
2 1 other certificate unless the candidate was nominated by
2 2 write-in votes. Immediately after the completion of the
2 3 canvass held under section 43.49, the ~~county auditor~~
2 4 commissioner shall notify each person who was nominated by
2 5 write-in votes for a county office that the person is required
2 6 to file an affidavit of candidacy if the person wishes to be a
2 7 candidate for that office at the general election. If the
2 8 affidavit is not filed with the commissioner by the regular
2 9 close of business on the seventh day after the completion of
2 10 the canvass, that person's name shall not be placed upon the
2 11 official general election ballot. Immediately after the
2 12 completion of the canvass held under section 43.63, the
2 13 secretary of state shall notify each person who was nominated
2 14 by write-in votes for a state or federal office that the
2 15 person is required to file an affidavit of candidacy if the
2 16 person wishes to be a candidate for that office at the general
2 17 election. If the affidavit is not filed by five p.m. on the
2 18 seventh day after the completion of the canvass, that person's
2 19 name shall not be placed upon the official general election
2 20 ballot. The affidavit shall be signed by the candidate,

2 21 notarized, and filed with the county auditor commissioner or
2 22 the secretary of state, whichever is applicable.

2 23 Sec. 5. Section 43.78, subsection 3, Code 2007, is amended
2 24 to read as follows:

2 25 3. The name of any candidate designated to fill a vacancy
2 26 on the general election ballot in accordance with subsection
2 27 1, paragraph "d", "e", or "f" shall be submitted in writing to
2 28 the commissioner not later than ~~five o'clock p.m.~~ the regular
2 29 close of business on the sixty-ninth day before the date of
2 30 the general election.

2 31 Sec. 6. Section 44.4, unnumbered paragraphs 1 and 3, Code
2 32 2007, are amended to read as follows:

2 33 Nominations made pursuant to this chapter and chapter 45
2 34 which are required to be filed in the office of the state
2 35 commissioner shall be filed in that office not more than
3 1 ninety-nine days nor later than five p.m. on the eighty-first
3 2 day before the date of the general election to be held in
3 3 November. Nominations made for a special election called
3 4 pursuant to section 69.14 shall be filed by five p.m. not less
3 5 than twenty-five days before the date of an election called
3 6 upon at least forty days' notice and not less than fourteen
3 7 days before the date of an election called upon at least
3 8 eighteen days' notice. Nominations made for a special
3 9 election called pursuant to section 69.14A shall be filed by
3 10 ~~five p.m.~~ the regular close of business not less than
3 11 twenty-five days before the date of the election. Nominations
3 12 made pursuant to this chapter and chapter 45 which are
3 13 required to be filed in the office of the commissioner shall
3 14 be filed in that office not more than ninety-two days nor
3 15 later than ~~five p.m.~~ the regular close of business on the
3 16 sixty-ninth day before the date of the general election.
3 17 Nominations made pursuant to this chapter or chapter 45 for
3 18 city office shall be filed not more than seventy-two days nor
3 19 later than five p.m. on the forty-seventh day before the city
3 20 election with the city clerk, who shall process them as
3 21 provided by law.

3 22 Objections required to be filed with the state commissioner
3 23 or the city clerk shall be filed no later than five p.m. on
3 24 the final date for filing. Objections required to be filed
3 25 with the commissioner shall be filed no later than the regular
3 26 close of business on the final date for filing.

3 27 Sec. 7. Section 47.6, subsection 1, unnumbered paragraph
3 28 2, Code 2007, is amended to read as follows:

3 29 If the proposed date of the special election coincides with
3 30 the date of a regularly scheduled election or previously
3 31 scheduled special election, the notice shall be given no later
3 32 than ~~five p.m.~~ the regular close of business on the last day
3 33 on which nomination papers may be filed with the commissioner
3 34 for the regularly scheduled election or previously scheduled
3 35 special election, but in no case shall notice be less than
4 1 thirty-two days before the election. Otherwise, the notice
4 2 shall be given at least thirty-two days in advance of the date
4 3 of the proposed special election. Upon receiving the notice,
4 4 the commissioner shall promptly give written approval of the
4 5 proposed date unless it appears that the special election, if
4 6 held on that date, would conflict with a regular election or
4 7 with another special election previously scheduled for that
4 8 date.

4 9 Sec. 8. Section 48A.9, Code Supplement 2007, is amended to
4 10 read as follows:

4 11 48A.9 VOTER REGISTRATION DEADLINES.

4 12 1. Registration closes at ~~five p.m.~~ the regular close of
4 13 business eleven days before each election except primary and
4 14 general elections. For primary and general elections,
4 15 registration closes at ~~five p.m.~~ the regular close of business
4 16 ten days before the election. An eligible elector may
4 17 register during the time registration is closed in the
4 18 elector's precinct but the registration shall not become
4 19 effective until registration opens again in the elector's
4 20 precinct, except as otherwise provided in section 48A.7A.

4 21 2. The commissioner's office shall be open from eight a.m.
4 22 until at least ~~five p.m.~~ the regular close of business on the
4 23 day registration closes before each regularly scheduled
4 24 election. However, if the last day to register to vote for a
4 25 regularly scheduled election falls on the day after
4 26 Thanksgiving, the deadline shall be the regular close of
4 27 business the following Monday.

4 28 3. A registration form submitted by mail shall be
4 29 considered on time if it is postmarked no later than the
4 30 fifteenth day before the election, even if it is received by
4 31 the commissioner after the deadline, or if the registration

4 32 form is received by the commissioner no later than ~~five p.m.~~
4 33 the regular close of business on the last day to register to
4 34 vote for an election, even if it is postmarked after the
4 35 fifteenth day before the election.

5 1 4. Registration forms submitted to voter registration
5 2 agencies, to motor vehicle driver's license stations, and to
5 3 county treasurer's offices participating in county issuance of
5 4 driver's licenses under chapter 321M shall be considered on
5 5 time if they are received no later than five p.m. on the day
5 6 registration closes for that election. Offices or agencies
5 7 ~~other than the county commissioner's office~~ are not required
5 8 to be open for voter registration purposes at times other than
5 9 their usual office hours. Offices or agencies other than the
5 10 county commissioner's office are not required to be open for
5 11 voter registration purposes on days other than their usual
5 12 days of business.

5 13 Sec. 9. Section 49.41, subsection 1, paragraph b, Code
5 14 Supplement 2007, is amended to read as follows:

5 15 b. If the nomination papers for all offices for which the
5 16 candidate has been nominated are required to be filed with the
5 17 ~~same state~~ commissioner of elections, the candidate shall file
5 18 a written notice with ~~that~~ the state commissioner no later
5 19 than five p.m. on the final date upon which nomination papers
5 20 may be filed for the election. If the nomination papers for
5 21 all offices for which the candidate has been nominated are
5 22 required to be filed with the county commissioner of
5 23 elections, the candidate shall file a written notice with the
5 24 county commissioner no later than the regular close of
5 25 business on the final date upon which nomination papers may be
5 26 filed for the election. The notice shall state the office for

5 27 which the person wishes to appear on the ballot. If the
5 28 required notice is not filed, the candidate's name shall not
5 29 be certified by the state commissioner for any office for
5 30 which nomination papers are filed with the state commissioner
5 31 and the county commissioner of elections shall not include the
5 32 candidate's name on the ballot for any office in any county.

5 33 Sec. 10. Section 49.58, unnumbered paragraph 2, Code 2007,
5 34 is amended to read as follows:

5 35 Each candidate for that office whose name appeared on the
6 1 general election ballot shall also be a candidate for the
6 2 office in the special election, except that the deceased
6 3 candidate's political party may designate another candidate in
6 4 substantially the manner provided by section 43.78 for filling
6 5 vacancies on the general election ballot. However, a
6 6 political party which did not have a candidate on the general
6 7 election ballot for the office in question may similarly
6 8 designate a candidate for that office in the special election.
6 9 The name of any replacement or additional candidate so
6 10 designated shall be submitted in writing to the state
6 11 commissioner, ~~or the commissioner in the case of a candidate~~
6 12 ~~for county supervisor,~~ not later than five o'clock p.m. on the
6 13 first Tuesday after the date of the general election or, in
6 14 the case of a candidate for county supervisor, to the
6 15 commissioner not later than the regular close of business on
6 16 the first Tuesday after the date of the general election. No

6 17 other candidate whose name did not appear on the general
6 18 election ballot as a candidate for the office in question
6 19 shall be placed on the ballot for the special election, in any
6 20 manner. The special election shall be held and canvassed in
6 21 the manner prescribed by law for the general election.

6 22 Sec. 11. Section 50.48, subsection 1, unnumbered paragraph
6 23 1, Code Supplement 2007, is amended to read as follows:

6 24 The county board of canvassers shall order a recount of the
6 25 votes cast for a particular office or nomination in one or
6 26 more specified election precincts in that county if a written
6 27 request ~~therefor~~ for a recount is made not later than ~~five~~
6 28 ~~o'clock p.m.~~ the regular close of business on the third day
6 29 following the county board's canvass of the election in
6 30 question. The request shall be filed with the commissioner of
6 31 that county, or with the commissioner responsible for
6 32 conducting the election if section 47.2, subsection 2 is
6 33 applicable, and shall be signed by either of the following:

6 34 Sec. 12. Section 53.2, subsection 1, paragraph b, Code
6 35 Supplement 2007, is amended to read as follows:

7 1 b. A registered voter may make written application to the
7 2 commissioner for an absentee ballot. A written application
7 3 for an absentee ballot must be received by the commissioner no
7 4 later than ~~five p.m.~~ the regular close of business on the
7 5 Friday before the election. A written application for an
7 6 absentee ballot delivered to the commissioner and received by
7 7 the commissioner more than seventy days prior to the date of

7 8 the election shall be retained by the commissioner and
7 9 processed in the same manner as a written application received
7 10 not more than seventy days before the date of the election.

7 11 Sec. 13. Section 53.2, subsection 8, Code Supplement 2007,
7 12 is amended to read as follows:

7 13 8. An application for an absentee ballot that is returned
7 14 to the commissioner by a person acting as an actual or implied
7 15 agent for a political party, candidate, or committee, all as
7 16 defined by chapter 68A, shall be returned to the commissioner
7 17 within seventy-two hours of the time the completed application
7 18 was received from the applicant or no later than ~~five p.m. the~~
7 19 regular close of business on the Friday before the election,
7 20 whichever is earlier.

7 21 Sec. 14. Section 53.3, subsection 6, Code 2007, is amended
7 22 to read as follows:

7 23 6. A statement that the application will be delivered to
7 24 the appropriate commissioner within seventy-two hours of the
7 25 date and time the completed application was received from the
7 26 applicant or no later than ~~five p.m. the regular close of~~
7 27 business on the Friday before the election, whichever is
7 28 earlier.

7 29 Sec. 15. Section 53.11, subsection 2, Code Supplement
7 30 2007, is amended to read as follows:

7 31 2. A petition requesting a satellite absentee voting
7 32 station must be filed by the following deadlines:

7 33 a. For a primary or general election, no later than ~~five~~
7 34 ~~p.m. the regular close of business~~ on the forty-seventh day
7 35 before the election.

8 1 b. For the regular city election or a city primary
8 2 election, no later than ~~five p.m. the regular close of~~
8 3 business on the thirtieth day before the election.

8 4 c. For a city runoff election, no later than ~~five p.m. the~~
8 5 regular close of business on the twenty-first day before the
8 6 election.

8 7 d. For the regular school election, no later than ~~five~~
8 8 ~~p.m. the regular close of business~~ on the thirtieth day before
8 9 the election.

8 10 e. For a special election, no later than ~~thirty-two days~~
8 11 the regular close of business on the thirty-second day before
8 12 the special election.

8 13 Sec. 16. Section 53.18, subsection 2, Code Supplement
8 14 2007, is amended to read as follows:

8 15 2. If the commissioner receives the return carrier
8 16 envelope containing the completed absentee ballot by ~~five p.m.~~
8 17 the regular close of business on the Saturday before the
8 18 election for general and primary elections and by ~~five p.m.~~
8 19 the regular close of business on the Friday before the
8 20 election for all other elections, the commissioner shall open
8 21 the envelope to review the affidavit for any deficiencies. If
8 22 the affidavit contains a deficiency that would cause the
8 23 ballot to be rejected, the commissioner shall, within
8 24 twenty-four hours of the time the envelope was received,
8 25 notify the voter of that fact and that the voter may correct
8 26 the deficiency by ~~five p.m. the regular close of business~~ on
8 27 the day before the election.

8 28 Sec. 17. Section 53.31, subsection 1, Code Supplement
8 29 2007, is amended to read as follows:

8 30 1. Any person qualified to vote at the election in
8 31 progress may challenge the qualifications of a person casting
8 32 an absentee ballot by submitting a written challenge to the
8 33 commissioner no later than ~~five p.m. the regular close of~~
8 34 business on the Friday before the election. It is the duty of
8 35 the special precinct officials to challenge the absentee
9 1 ballot of any person whom the official knows or suspects is
9 2 not duly qualified. Challenges by members of the special
9 3 precinct election board or observers present pursuant to
9 4 section 53.23 may be made at any time before the close of the
9 5 polls on election day. The challenge shall state the reasons
9 6 for which the challenge is being submitted and shall be signed
9 7 by the challenger. When a challenge is received the absentee
9 8 ballot shall be set aside for consideration by the special
9 9 precinct election board when it meets as required by section
9 10 50.22.

9 11 Sec. 18. Section 69.12, subsection 1, paragraph b,
9 12 unnumbered paragraph 1, Code 2007, is amended to read as
9 13 follows:

9 14 Nomination papers on behalf of candidates for a vacant
9 15 office to be filled pursuant to paragraph "a" of this
9 16 subsection shall be filed, in the form and manner prescribed
9 17 by applicable law, by ~~five p.m. the regular close of business~~
9 18 on:

9 19 Sec. 19. Section 161A.5, subsection 3, unnumbered
9 20 paragraph 2, Code 2007, is amended to read as follows:
9 21 The signed petitions shall be filed with the county
9 22 commissioner of elections not later than ~~five p.m.~~ the regular
9 23 close of business on the sixty-ninth day before the general
9 24 election. The votes for the office of district commissioner
9 25 shall be canvassed in the same manner as the votes for county
9 26 officers, and the returns shall be certified to the
9 27 commissioners of the district. A plurality is sufficient to
9 28 elect commissioners, and a primary election for the office
9 29 shall not be held. If the canvass shows that the two
9 30 candidates receiving the highest and the second highest number
9 31 of votes for the office of district commissioner are both
9 32 residents of the same township, the board shall certify as
9 33 elected the candidate who received the highest number of votes
9 34 for the office and the candidate receiving the next highest
9 35 number of votes for the office who is not a resident of the
10 1 same township as the candidate receiving the highest number of
10 2 votes.

10 3 Sec. 20. Section 260C.15, subsection 3, Code 2007, is
10 4 amended to read as follows:
10 5 3. Nomination papers in behalf of candidates for member of
10 6 the board of directors of a merged area shall be filed with
10 7 the secretary of the board not earlier than sixty-five days
10 8 nor later than five o'clock p.m. on the fortieth day prior to
10 9 the election at which members of the board are to be elected.
10 10 The secretary shall deliver all nomination petitions so filed,
10 11 together with the text of any public measure being submitted
10 12 by the board of directors to the electorate, to the county
10 13 commissioner of elections who is responsible under section
10 14 47.2 for conducting elections held for the merged area, not
10 15 later than ~~five o'clock p.m.~~ the regular close of business on
10 16 the day following the last day on which nomination petitions
10 17 can be filed. That commissioner shall certify the names of
10 18 candidates, and the text and summary of any public measure
10 19 being submitted to the electorate, to all county commissioners
10 20 of elections in the merged area by the thirty-fifth day prior
10 21 to the election.

10 22 Sec. 21. Section 275.25, subsection 1, unnumbered
10 23 paragraph 1, Code 2007, is amended to read as follows:
10 24 If the proposition to establish a new school district
10 25 carries under the method provided in this chapter, the area
10 26 education agency administrator with whom the petition was
10 27 filed shall give written notice of a proposed date for a
10 28 special election for directors of the newly formed school
10 29 district to the commissioner of elections of the county in the
10 30 district involved in the reorganization which has the greatest
10 31 taxable base. The proposed date shall be as soon as possible
10 32 pursuant to section 39.2, subsections 1 and 2, and section
10 33 47.6, subsections 1 and 2, but not later than the third
10 34 Tuesday in January of the calendar year in which the
10 35 reorganization takes effect. The election shall be conducted
11 1 as provided in section 277.3, and nomination petitions shall
11 2 be filed pursuant to section 277.4, except as otherwise
11 3 provided in this subsection. Nomination petitions shall be
11 4 filed with the secretary of the board of the existing school
11 5 district in which the candidate resides not less than
11 6 twenty-eight days before the date set for the special school
11 7 election. The secretary of the board, or the secretary's
11 8 designee, shall be present in the secretary's office until
11 9 five p.m. on the final day to file the nomination papers. The
11 10 nomination papers shall be delivered to the commissioner no
11 11 later than ~~five p.m.~~ the regular close of business on the
11 12 twenty-seventh day before the election.

11 13 Sec. 22. Section 277.4, unnumbered paragraph 4, Code 2007,
11 14 is amended to read as follows:
11 15 The secretary of the school board shall accept the petition
11 16 for filing if on its face it appears to have the requisite
11 17 number of signatures and if it is timely filed. The secretary
11 18 of the school board shall note upon each petition and
11 19 affidavit accepted for filing the date and time that the
11 20 petition was filed. The secretary of the school board shall
11 21 deliver all nomination petitions, together with the complete
11 22 text of any public measure being submitted by the board to the
11 23 electorate, to the county commissioner of elections not later
11 24 than ~~five o'clock p.m.~~ the regular close of business on the
11 25 day following the last day on which nomination petitions can
11 26 be filed.

11 27 Sec. 23. Section 376.4, unnumbered paragraph 7, Code 2007,
11 28 is amended to read as follows:
11 29 The city clerk shall deliver all nomination petitions

11 30 together with the text of any public measure being submitted
11 31 by the city council to the electorate to the county
11 32 commissioner of elections not later than ~~five o'clock p.m.~~ the
11 33 regular close of business on the day following the last day on

11 34 which nomination petitions can be filed.

11 35 Sec. 24. Section 376.11, subsections 3, 4, and 5, Code
12 1 Supplement 2007, is amended to read as follows:

12 2 3. In city primary elections any person who receives
12 3 write-in votes shall execute an affidavit in substantially the
12 4 form required by section 45.3~~7~~ and file it with the county
12 5 commissioner of elections not later than the regular close of
12 6 business, or with the city clerk not later than five ~~o'clock~~
12 7 p.m. on the day after the canvass of the primary election.

12 8 If any person who received write-in votes fails to file the
12 9 affidavit at the time required, the county commissioner shall
12 10 disregard the write-in votes cast for that person. A notation
12 11 shall be made on the abstract of votes showing which persons
12 12 who received write-in votes filed affidavits. The total
12 13 number of votes cast for each office on the ballot shall be
12 14 amended by subtracting the write-in votes of those candidates
12 15 who failed to file the affidavit. It is not necessary for a
12 16 candidate whose name was printed upon the ballot to file an
12 17 affidavit. Of the remaining candidates, those who receive the
12 18 highest number of votes to the extent of twice the number of
12 19 unfilled positions shall be placed on the ballot for the
12 20 regular city election as candidates for that office.

12 21 4. In cities in which the city council has chosen a runoff
12 22 election in lieu of a primary, if a person who was elected by
12 23 write-in votes chooses not to accept the office by filing a
12 24 resignation notice with the ~~city clerk or~~ commissioner of
12 25 elections not later than the regular close of business, or
12 26 with the city clerk not later than five o'clock p.m. on the
12 27 day following the canvass, all remaining persons who received
12 28 write-in votes and who wish to be considered candidates for
12 29 the runoff election shall execute an affidavit in
12 30 substantially the form required by section 45.3 and file it
12 31 with the county commissioner not later than the regular close
12 32 of business, or with the city clerk not later than five

12 33 ~~o'clock p.m.~~ of the fourth day following the canvass. If a
12 34 person receiving write-in votes fails to file the affidavit at
12 35 the time required, the county commissioner of elections shall
13 1 disregard the write-in votes cast for that person. The
13 2 abstract of votes shall be amended to show that the person who
13 3 was declared elected declined the office and a notation shall
13 4 be made next to the names of those persons who did not file
13 5 the affidavit. A runoff election shall be held with the
13 6 remaining candidates who have the highest number of votes to
13 7 the extent of twice the number of unfilled positions.

13 8 5. In a city in which the council has chosen a runoff
13 9 election, if no person was declared elected for an office all
13 10 persons who received write-in votes shall execute an affidavit
13 11 in substantially the form required by section 45.3 and file it
13 12 with the county commissioner of elections not later than the
13 13 regular close of business, or with the city clerk not later
13 14 than five ~~o'clock p.m.~~ on the day following the canvass of
13 15 votes. If any person who received write-in votes fails to
13 16 file the affidavit the county commissioner of elections shall
13 17 disregard the write-in votes cast for that person. The
13 18 abstract of votes shall be amended to note which of the
13 19 write-in candidates failed to file the affidavit. A runoff
13 20 election shall be held with the remaining candidates who have
13 21 the highest number of votes to the extent of twice the number
13 22 of unfilled positions.

13 23 EXPLANATION

13 24 This bill modifies filing, request, and notification
13 25 deadline times for certain candidates and for certain other
13 26 matters relating to elections by changing the deadline for
13 27 filing with the county commissioner of elections from 5:00
13 28 p.m. to the regular close of business for that commissioner's
13 29 office. The bill affects the filing of nomination petitions
13 30 and affidavits of candidacy, designation of candidates to fill
13 31 ballot vacancies, objections to candidacy, notices of special
13 32 elections and the text of special election questions, voter
13 33 registration deadlines, requests for a recount, request and
13 34 return of absentee ballot applications, requests for satellite
13 35 absentee voting stations, matters relating to notification of
14 1 and correction of deficiencies on affidavit envelopes
14 2 containing completed absentee ballots, and challenges to voter
14 3 qualifications.

14 4 The bill does not change the filing deadline times of
14 5 election documents that are required to be filed with the

14 6 state commissioner of elections, the city clerk, or the
14 7 secretary of a school district board or merged area board.
14 8 LSB 6192HH 82
14 9 sc/nh/24